

***DRAFT Background Brief—Transportation Enhancement
Activities: Eligibility for Historic Preservation and Rehabilitation and
operation of historic transportation buildings, structures, or facilities
(including historic railroad facilities and canals)***

Many questions have been raised about the eligibility for Transportation Enhancement (TE) funds under the *Historic Preservation* categories for some kinds of buildings or facilities. Most questions are raised with regard how a historic facility relates to surface transportation. Other questions relate to how a facility will continue to serve the traveling public.

Two eligible TE categories directly relate to Historic Preservation: *Historic Preservation and Rehabilitation and operation historic transportation buildings, structures, or facilities (including historic railroad facilities and canals)*. Several other categories also benefit historic preservation: acquisition of historic easements and sites, historic highway programs, rail-trails, archaeological planning and research, and transportation museums.

A TE project must be a *transportation* enhancement. While *Historic Preservation* is an eligible TE activity, a TE project must demonstrate a reasonable relationship to surface transportation and benefit the general traveling public. Where a surface transportation relationship only can be established for a part of a building, structure, or facility, then the TE share of the cost must be limited to the proportion of the building, structure, or facility that benefits the traveling public.

Few questions are raised about the eligibility of historic transportation buildings, structures, and facilities: these are eligible because there is an obvious relationship to surface transportation. There are also few questions when the historic preservation project uses a building as a visitor center related to a scenic or historic highway program, or as a surface transportation museum: these are eligible because of continuing transportation use.

Most questions are raised with regard to buildings or other facilities with only a tangential, incidental, or no obvious relationship to surface transportation, such as private residences, private businesses, churches, or public buildings such as city halls, courthouses, jails, libraries, post offices, schools, or public utility buildings. What is the threshold to determine a surface transportation relationship?

FHWA developed *Guiding Principles and Questions for Transportation Enhancement Activities* (www.fhwa.dot.gov/environment/te/principles_pt1.htm) to address many of the questions about how to establish a relationship to surface transportation and how to consider project eligibility and viability. The sections related to Historic Preservation are attached.

Where the ongoing surface transportation relationship only can be established for a part of a building, structure, or facility, then the TE share of the cost must be limited to the proportion of the building, structure, or facility that benefits the traveling public. TE funds should not be used for a historic preservation or rehabilitation project if the building, structure, or facility is not generally open to the traveling public. Privately or commercially used segments of a preservation or rehabilitation project must have private investment.

National Register Status

FHWA does not require a historic facility to be on the *National Register of Historic Places* or that a historic facility be eligible for the *National Register*. However, FHWA recommends that the States establish a minimum threshold for historic facilities, which may include being on or eligible for the *National Register*. See www.cr.nps.gov/places.htm.

Surface Transportation Relationship for *Historic Preservation* Projects

FHWA defined the phrase “relates to surface transportation” in its TE program guidance at www.fhwa.dot.gov/environment/te/guidance.htm#project, with a simplified overview at www.fhwa.dot.gov/environment/te/relate.htm. The guidance was intentionally flexible to avoid too many restrictions, but does not provide enough guidance for some decisionmakers. The examples below are intended to provide more specific examples of projects that may be eligible or likely would not be eligible.

Likely Eligible

Surface transportation relationships are relatively easy to establish for some historic buildings, structures, and facilities:

- Historic roadside signs and markers.
- Historic roadside fences and walls.
- Bridges, causeways, viaducts, and tunnels.
- Railroad, bus, or transit stations.
- Other historic highway, railroad, or transit infrastructure.
- Canal facilities such as locks, lock houses, towpaths, bridges, etc.
- Ferry terminals, or docks or piers serving ferries.
- Lighthouses.

Surface transportation relationships can be established for historic buildings, structures, or facilities that are preserved for use as:

- Bus, railroad, or transit stations.
- Trailside or trailhead facilities for trails with a transportation purpose, including rail-trails.
- Visitor or welcome centers related to a scenic or historic highway program.
- Surface transportation museums.

Surface transportation relationships also can be established for some historic facilities with unique historic ties to surface transportation:

- Factory or shop that made transportation vehicles or transportation equipment.
- Hotel built specifically to house railroad or highway workers.
- Uniquely historic car dealership, gas station, or highway rest area facility.
- Well-documented major Underground Railroad site.
- Well-documented major site on a National Historic Trail, related to the Trail’s designation.
- Well-documented battlefield site significant for its relationship to surface transportation and to a scenic or historic highway program, for example: *“Travelers along the Battle Tour will discover that all roads and railroads in the area led to this junction / river crossing. The*

Confederate forces used this building as their battle headquarters. The building is open to the public on Thursday through Monday. Visitors can see maps and displays showing how the transportation routes at the time determined the location of this battle.”

- Unique location related to transportation history, such as the “Golden Spike”, unique plank or brick road, first concrete pavement, first bridge across a major river, etc.
- It may be possible to establish a surface transportation relationship on a case-by-case basis for buildings, structures, or facilities that have a unique relationship to a scenic or historic highway program. For example, if a designated scenic or historic highway passes through a community, some public buildings may be significant features if they are described in visitor guides and are open for visitors traveling the scenic or historic highway. TE eligibility is limited to historic preservation work necessary to benefit the scenic or historic highway program, such as work needed for a building’s structural integrity, façades facing the scenic or historic highway, and interior work for visitor or welcome centers related to a scenic or historic highway program or for surface transportation museums. Interior work is not eligible for areas not related to surface transportation use.

TE funds may be used for landscaping, scenic beautification, or streetscaping along highways, streets, or trails under the *landscaping and scenic beautification* category: it is not necessary to establish a historic preservation or scenic or historic highway program relationship.

Likely Not Eligible

Surface transportation does not include:

- Aviation facilities.
- Ocean, lake, or river ships, boats, or submarines (exception: canal boats may be eligible as transportation museum exhibits).
- Military facilities not open to the general public.

Several projects have been proposed for historic buildings, structures, or facilities based on changes in surface transportation use or based on only an incidental relationship to surface transportation. The following reasons do not establish a significant relationship to surface transportation if the facility is not part of a scenic or historic highway program, a surface transportation museum, or otherwise continue to serve a transportation purpose:

- The building, structure, or facility is visible from a road.
- It is visible from a scenic or historic highway.
- It is the focal point of the town, however, there is no scenic or historic highway designation, or the building is not related to the road’s special designation.
- It is a public building that everybody in the county or city uses, possibly to access some tangentially transportation-related services or records.
- The size of the county, voting precinct, mail delivery route, school district, church parish, etc., was based on one day’s horseback ride, one or two hour walk, etc.
- People go to the courthouse to register motor vehicles, pay traffic tickets, testify about traffic crashes; the county transportation planning and road maintenance offices are there; etc.
- People used to walk there but now they use buses or cars. (Example: People used to walk to one-room schoolhouses, but then started using buses to go to consolidated schools. This does not establish a surface transportation relationship either for a one-room schoolhouse or for a consolidated school. The purpose of the schools is education, not transportation.)

- This was the first church, meeting lodge, theater, etc., in the community.
- President X or Governor X used to stop at this tavern on his way to and from home.
- Commissioner X lived in this house when organizing the highway department.

TE funds should not be used for a historic preservation or rehabilitation project if the building, structure, or facility is not generally open to the traveling public. Privately or commercially used segments of a preservation or rehabilitation project must have private investment.

Projects that are not Historic Preservation

A project using TE funds for *Historic Preservation* or for *Rehabilitation and operation historic transportation buildings, structures, or facilities* must result in historic preservation consistent with the [Secretary of the Interior's Standards for Preservation Projects](#). If a project will not meet these standards, then it is not eligible as a *Historic Preservation* or *Rehabilitation* project.

Historic preservation also does not include:

- Replicas of historic buildings, structures, or facilities.
- Reconstruction of destroyed or nearly destroyed buildings, structures, or facilities that cannot meet the [Secretary of the Interior's Standards for Preservation Projects](#).
- Building a structure to match historic plans, where a planned structure was not built.

A replica or reconstruction may be built as a visitor or welcome center for a scenic or historic highway program, or as a surface transportation museum or museum display, but not as historic preservation or rehabilitation.

Historic Transportation Buildings, Structures, and Facilities and Historic Preservation for facilities used as Transportation Museums or Visitor Centers or other ongoing surface transportation use.

Buildings, structures, and facilities that have a readily obvious relationship to past, current, or future surface transportation use generally have broad eligibility for exterior and interior work.

Eligible:

- Interior and exterior work necessary for the structural integrity of the building.
- Interior work necessary in areas open to the public (including areas not open to public use, but necessary to maintain the building for public use, such as maintenance areas and building administration necessary to keep the building open for public use).
- Interior work necessary for facility operation related to surface transportation (rail, bus, or public transit administration; surface transportation museums, visitor centers related to a scenic or historic highway program).

Ineligible:

- Work inconsistent with the [Secretary of the Interior's Standards for Preservation Projects](#).
- Interior work for areas for private or business use (other than areas necessary for building maintenance and administration): restaurants or other commercial use, offices, etc. Privately

or commercially used segments of a preservation or rehabilitation project must have private investment.

Other Historic Preservation

TE projects for historic preservation of buildings, structures, or facilities that do not have an obvious relationship to past, current, or future surface transportation use must establish their relationship to surface transportation. Some factors to consider include:

- Significant relationship to the scenery and/or history along a designated scenic or historic highway: the facility is described in visitor guides and open for visitors traveling along the scenic or historic highway.
- A significant event in the history of transportation took place at the site (significant transportation invention took place there, significant transportation feature was located there).

Eligible:

- Interior and exterior work necessary for the structural integrity of the building.
- Building façades facing a scenic or historic highway.

Ineligible:

- Work inconsistent with the [Secretary of the Interior's Standards for Preservation Projects](#).
- Interior work for areas not related to ongoing surface transportation use.
- Interior work for areas for private or business use (other than areas necessary for building maintenance and administration): restaurants or other commercial use, offices, etc. Privately or commercially used segments of a preservation or rehabilitation project must have private investment.

Precedent

Several States have used TE funds for historic transportation buildings or facilities that have little surface transportation relationship. Most of these projects were selected before the TE legislation was amended in 1998 to require projects to relate to surface transportation. The TE guidance issued on December 17, 1999, had a grandfathering clause that permitted projects to continue in cases where the State DOT had already notified project sponsors of a decision to fund the proposed work. However, all other projects had to relate to surface transportation. Precedent established prior to 2000 is not a reason to continue using TE funds for projects that have only a limited or incidental surface transportation relationship.

Historic Preservation Sections from FHWA's *Guiding Principles and Questions for Transportation Enhancement Activities*

F. Historic preservation

Eligibility Principle: A historic preservation project must demonstrate a relationship to surface transportation and result in historic preservation consistent with the [Secretary of the Interior's Standards for Preservation Projects](#).

Guiding questions for eligibility and viability:

- What is the historic authenticity and integrity of the site, building, structure, or district?
- How would these qualities be preserved and protected?
- Would the project serve a surface transportation use? What type of surface transportation use(s), what portion of the site, building, structure, or district would serve a surface transportation use, and what other use(s) would be available?
- How did surface transportation affect the location and use of the site, building, structure, or district during the period of its historic significance?
- How did the site, building, structure, or district affect surface transportation during the period of its historic significance?
- How would the traveling public be informed about the historic significance of the site, building, structure, or district and its relation to surface transportation?

G. Rehabilitation and operation historic transportation buildings, structures, or facilities (including historic railroad facilities and canals)

Eligibility Principle: A project for rehabilitation and operation of historic transportation buildings, structures, or facilities must be for a building, structure, or facility historically used for a surface transportation purpose or function. Rehabilitation should be consistent with the [Secretary of the Interior's Standards for Preservation Projects](#).

Guiding questions for eligibility and viability:

- What is the historic authenticity and integrity of the building, structure, or facility?
- How would these qualities be preserved and protected?
- What surface transportation purpose or function did the building, structure, or facility provide during the period of its historic significance?
- How would the traveling public be informed about the historic significance of the building, structure, or facility, and its relation to surface transportation?